

HOUSE No. 903

By Mr. Rogers of Norwood, petition of Michael G. Bellotti and others relative to penalties for the crimes of rioting and mayhem in jails or houses of correction. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Michael G. Bellotti	Robert K. Coughlin
Louis L. Kafka	MCOFU
Sen. Michael W. Morrissey	IBPO/IBCO
William C Galvin	Brian A. Joyce
A. Stephen Tobin	Walter F. Timilty

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PENALTIES FOR THE CRIMES OF RIOTING AND MAYHEM IN A JAIL OR HOUSE OF CORRECTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 14 of Chapter 265 of the General Laws, as
2 appearing in the 2002 Official edition, is hereby amended by
3 inserting after the first paragraph the following paragraph:—
4 Whoever commits any of the foregoing acts while confined in a
5 jail or house of correction shall be punished by imprisonment in
6 the state prison for a mandatory minimum sentence/penalty of five
7 years. Said sentence shall begin from and after all sentences cur-
8 rently outstanding and reserved at the time of said assault. A
9 person convicted of violating any provisions of said section shall
10 not, until he or she shall have served the mandatory minimum
11 term of imprisonment establish, in said sections, be eligible for
12 probation, parole, furlough, work release, or receive any deduc-
13 tion from his or her sentence for good conduct. However, the
14 commissioner of correction may, on the recommendation of the
15 warden, superintendent, or other person in charge of the correc-
16 tional institution, grant to said offender a temporary release in the

17 custody of an officer of such institution for the following pur-
18 poses: to attend a funeral of a relative, to visit a critically ill
19 relative, or to obtain emergency medical or psychiatric services
20 unavailable at said institution.

1 SECTION 2. Section 1 of Chapter 269 of the General Laws, as
2 appearing in the 2002 Official edition, is hereby amended by
3 inserting after the first paragraph the following new paragraph:—
4 Whoever, being detained or held in a jail or house of correction,
5 if required by an officer or employee of said jail or house of cor-
6 rection to depart from the place, refuses or neglects so to do, shall
7 be considered one of the rioters or persons unlawfully assembled,
8 and shall be punished by imprisonment in the state prison for two
9 and a half years in a house of correction or five years in a state
10 prison. Such sentence shall begin from and after all sentences cur-
11 rently outstanding and reserved at the time of said unlawful
12 assembly.